

REMARKS

Claims 11-24 are currently pending in this case.

In the previous Office Action, the Examiner objected to the drawings as not showing every feature recited in the claims. By the Request for Approval of Drawing Change filed herewith, Applicant seeks approval to correct the drawings to overcome the Examiner's objection. In particular, Fig. 7 has been amended to include the frequency range and the maximum/minimum voltage values. Accordingly, this ground of objection is respectfully deemed overcome.

In addition, claims 11-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,133,896 to Suzuki ("Suzuki") in view of U.S. Patent No. 6,259,492 to Imoto et al ("Imoto"). This ground of rejection is respectfully traversed for the following reasons.

When making a rejection under 35 U.S.C. § 103(a), the Examiner must determine whether a reference qualifies as prior art under 35 U.S.C. § 102. See M.P.E.P. § 2141.01. To determine whether a reference qualifies as prior art under 35 U.S.C. § 102, the Examiner must: (1) determine the effective filing date of the application; and (2) determine whether the critical date (i.e., issue date or effective filing date) of the asserted reference qualifies it as prior art. See M.P.E.P. § 706.02. Applicant respectfully submits that neither the Suzuki nor Imoto references qualify as prior art.

The effective filing date of the present application under 35 U.S.C. § 120 is on October 19, 2001 and the right of priority is claimed based on Japanese Patent

Application Serial No. 10-57689, filed March 10, 1998. Therefore, the present application is entitled to a priority date of March 10, 1998. See 35 U.S.C. § 119(a). A certified translation of the priority application is enclosed to perfect Applicant's priority claim.

Suzuki has a critical date (identified on the patent as the effective 102(e) date) of October 5, 1998 while the critical date (identified on the patent as the effective 102(e)) date of Imoto is October 8, 1998. (See face page of each patent.) Therefore, the critical dates of both the Suzuki and Imoto patents are later than the priority date of the present application. Moreover, Suzuki was published as a PCT Publication on August 13, 1998, and Imoto was published as a PCT Publication on August 20, 1998. Both of these dates are after Applicant's priority date of March 10, 1998. Accordingly, neither reference is prior art with respect to the present application.

For at least all of the above reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the timely allowance of claims 11-24.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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